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Supplement of Powell's Law of Evidence.
1869.

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Supplement

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TO

THE THIRD EDITION

OF

POWELL'S LAW OF EVIDENCE,

CONTAINING

THE ALTERATIONS IN THE LAW OF EVIDENCE

EFFECTED BY

THE EVIDENCE FURTHER AMENDMENT ACT, 1869 ;

THE DOCUMENTARY EVIDENCE ACT, 1868 ;

THE BANKRUPTCY ACT, 1869 ;

AND THE HABITUAL CRIMINALS ACT, 1869 ;

TOGETHER WITH

The Leading Cases on the Law of Evidence

DECIDED SINCE FEBRUARY, 1868.

By JOHN CUTLER, B.A.,

**OF LINCOLN'S INN, BARRISTER-AT-LAW, PROFESSOR OF ENGLISH LAW AND JURISPRUDENCE
AND PROFESSOR OF INDIAN JURISPRUDENCE AT KING'S COLLEGE, LONDON,**

AND

EDMUND FULLER GRIFFIN, B.A.,

OF LINCOLN'S INN, BARRISTER-AT-LAW.

LONDON:

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PREFACE

TO THE SUPPLEMENT.

THE Law of Evidence Amendment Act, 1869, the Documentary Evidence Act, 1868, and certain sections of the Bankruptcy Act, 1869, and of the Habitual Criminals Act, 1869, have so altered the principles and practice of the Law of Evidence, that a Supplement or a New Edition to "Powell's Law of Evidence" became a necessity. As the last Edition is little more than a year and a-half old, a Supplement was obviously the proper course to adopt. While giving the Statutory alterations in the Law, we have also thought it desirable to incorporate into the Supplement the Leading Cases that have been decided thereon since the last Edition appeared, and thus to bring the Law down to the present date.

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E. FULLER GRIFFIN.

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been repealed by "The Evidence Further Amendment Act, 1869," sect. 1.

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A verdict in an action for breach of promise of marriage cannot be pronounced on the uncorroborated evidence of the plaintiff, whose testimony must be corroborated by material evidence in support of the promise.

Page 64.

So by the 13th section of "The Wine and Beer-house Act, 1869" (a), it is not necessary in any legal proceedings under the acts therein recited in order to prove the sale of beer, cider or wine in or upon any house or premises, to prove the receipt or payment of any money in respect of such sale, but proof that any beer, cider or wine was drunk or consumed in or upon such house or premises by any person other than the keeper thereof or some servant or inmate residing therein shall be *primâ facie* evidence of the sale of such beer, cider or wine in or upon such house or premises.

Page 66.—PRESUMPTION OF FRAUD.

By the 91st section of "The Bankruptcy Act, 1869" (b), any settlement of property, not being an

(a) 32 & 33 Vict. c. 27.

(b) Ibid. c. 71.

ante-nuptial settlement, made in good faith for valuable consideration, or one made on or for the wife or children of the settlor of property accruing to the settlor *jure mariti* is void if the settlor becomes bankrupt within two years of its date: and if the settlor becomes bankrupt within ten years of its date such a settlement is void unless those claiming under it can show that he was at the time of making it able to pay all his debts without the property comprised therein.

Page 72.—PRESUMPTION AS TO POST OFFICE.

By the 51st section of "The Endowed Schools Act, 1869" (c), notices and documents, required to be sent or served for the purposes of the act, may be sent or served by post, and shall be deemed to have been served and received at the time when the letter containing the same would be delivered in the ordinary course of the post; and in proving such service or sending it is sufficient to prove that the letter containing the notices or document was properly addressed and put into the post office.

Page 85.—EVIDENCE OF EXPERTS.

A skilled witness may not only say that he formed an opinion, but that he acted on that opinion. His acting upon it is a strong corroboration of the truth of his opinion. *Stephenson v. River Tyne Commissioners*, 17 W. R. 590.

Page 101.—PRIVILEGED COMMUNICATIONS.

Correspondence between the solicitor of the plaintiff and an architect referring to questions in a suit are not privileged. *Page v. Ward*, 17 W. R. 435.

Page 159.—DYING DECLARATIONS.

Where a woman made a statement to the magistrate's clerk, and he added to it the words "I have made the above statement with the fear of death before me and with no hope of my recovery," and then read it over to her and asked her if it was correct, and afterwards at her request interlined the words "at present" after the word "hope," it was held that the words inserted qualified the force of her statement sufficiently to make it inadmissible in evidence as a dying declaration, because there was not that absolute and hopeless expectation of death which is required to give such declarations validity. *R. v. Jenkins*, 38 L. J., M. C. 82.

Page 170.—DECLARATION AGAINST PROPRIETARY INTEREST.

Where, in order to establish a settlement, it was proved that the pauper's grandfather had occupied a house for four years in the appellant parish, and a book containing certain entries of payment of rent which were proved to be in his handwriting was produced, these entries were admitted in proof of the grandfather's settlement by renting a tenement, on the ground that the four years' occupation being by itself *primâ facie* of a seisin in fee, the proof of payment of

rent would cut down the interest to a tenancy, and that therefore the evidence was against proprietary interest. *R. v. Guardians of Exeter*, L. R., 4 Q. B. 341; 38 L. J., M. C. 126.

Page 188.—DEPOSITIONS IN OTHER CAUSES.

In *Allen v. Bonnett* (L. R., 6 Eq. 522; 16 W. R. 1075), the Master of the Rolls, overruling his own decision in *Lake v. Peisley*, decided that an order to read depositions taken in another court is unnecessary. The true meaning of the 4th rule of Order XIX. appears to be, that if the evidence has been taken in another suit in the Court of Chancery then an order to read is necessary; but if the evidence has been taken in another court, office copies of such evidence must be produced in the Court of Chancery, and then an order to read is unnecessary.

Page 207.—PASS BOOK—ACQUIESCENCE.

A banker's pass book, if no objection is made at the time, is evidence of acquiescence in the principle on which the accounts are made up. *Williamson v. Williamson*, L. R., 7 Eq. 542; 17 W. R. 607.

Page 360.—SEAL OF COURTS OF BANKRUPTCY.

By "The Bankruptcy Act, 1869" (*d*), sect. 109, judicial notice is to be taken of the seal of any court having jurisdiction under that act.

Page 360.—PROOF OF PROCLAMATIONS.

By "The Documentary Evidence Act, 1868" (e), *prima facie* evidence of any proclamation, order or regulation issued before or after the passing of the act by Her Majesty, or by the Privy Council, or by the authority of any department of the Government, or any of the officers of state named in the schedule to the act, may be given in any of the following ways:—

- (1.) By producing a copy of the Gazette purporting to contain such proclamation, &c.
- (2.) By producing a copy of such proclamation, &c., purporting to be printed by the Government printer, or under the authority of the legislature of the colony where the question arises; or,
- (3.) By producing, in the case of a proclamation, &c., issued by the Queen or the Privy Council, a copy or extract purporting to be certified as true by the clerk or any one of the members of the Privy Council; or, in the case of a proclamation issued by any department, by a copy or extract purporting to be certified as true by the persons named in the schedule.

The copy or extract may be partly in print and partly in writing, or in either, and no proof is to be required of the handwriting or official position of the person certifying.

Page 379.—BANKRUPTCY PROCEEDINGS.

"The Bankrupt Law Consolidation Act, 1849," and "The Bankruptcy Act, 1861," are now repealed from

the 1st day of January, 1870, and the proof of bankruptcy proceedings will thenceforward be regulated by "The Bankruptcy Act, 1869" (see Appendix). By that act (*f*) a copy of the Gazette containing a copy of an order of adjudication of bankruptcy, or of an order closing a bankruptcy, or of the annulling of an adjudication, is made conclusive evidence of such adjudication, order or annulment, and of its date, and (in the last case) of the terms of the annulment. The certificate by the court of the appointment of a trustee is to be conclusive evidence of his appointment (*g*). The order of discharge is to be sufficient evidence of the bankruptcy and of the validity of the proceedings therein (*h*). Minutes of resolutions and proceedings at a meeting of creditors, if purporting to be signed by the chairman of the meeting, are to be received as evidence in all legal proceedings (*i*). The registration by the registrar of a special resolution of creditors on a liquidation or arrangement under the act, in the absence of fraud, is to be conclusive evidence that the resolutions were duly passed and all the requisitions of the act complied with (*j*). Any petition in bankruptcy, any order of any court having jurisdiction in bankruptcy, any certificate of such court, any deed of arrangement in bankruptcy, and any other instrument, affidavit or document made or used in any bankruptcy proceeding, or other proceeding under the act, or any copy of any of the above, if purporting to be sealed with the seal of a court, or

(*f*) 32 & 33 Vict. c. 71, ss. 10, 47, 81.

(*g*) Ibid. s. 18.

(*h*) Ibid. s. 49.

(*i*) Ibid. s. 106.

(*j*) Ibid. s. 127.

signed by a judge having bankruptcy jurisdiction under the act, is to be receivable in evidence in all legal proceeding whatever (*k*).

Page 416.—DEPOSITIONS IN BANKRUPTCY.

“The Bankruptcy Act, 1869,” sect. 108, enacts, that in case of the death of the bankrupt or his wife, or any witness whose evidence has been received by any court in any proceeding under the act, the deposition of the person so deceased, purporting to be sealed with the seal of the court, or a copy thereof purporting to be so sealed, shall be admitted as evidence.

Page 423.—POOR RATES.

By 32 & 33 Vict. c. 41, s. 18, the production of the book purporting to contain a poor rate, with the allowance of the rate by the justices, shall, if the rate be in the form prescribed by law, be *primâ facie* evidence of the due making and publication of such rate.

Page 430.—NEWSPAPERS.

By the 84th section of “The Contagious Diseases (Animals) Act, 1869” (*l*), any order or regulation made or issued by a local authority under the act, or under any order of the Privy Council, may be proved by the production of a copy of a newspaper containing such order or regulation.

(*k*) 32 & 33 Vict. c. 71, s. 107.

(*l*) 32 & 33 Vict. c. 70.

Page 435.—PRODUCTION OF DOCUMENTS.

A defendant, even though in wilful contempt, has been held in Chancery entitled to the production of documents necessary for his defence. *Haldane v. Eckford*, L. R., 7 Eq. 425 ; 17 W. R. 570.

Page 463.—INTERROGATORIES REQUIRING CRIMINATING ANSWERS.

The uncertainty of the law on this subject is pointed out by Smith, J., in *Villesboisnet v. Tobin* (L. R., 4 C. P. 184 ; 38 L. J., C. P. 150), where he says : "As far as I can see, the only intelligible rule to be deduced from the case is, that when the interrogatories are *bonâ fide* put for the purpose of discovery, and are relevant to the matter in issue, they may be allowed, although the answers to them may tend to criminate the party answering, leaving to such party the option of refusing to answer on that ground. But where such interrogatories are sought to be put, the court and the judge at chambers will require a stronger case to be made out for allowing them than is requisite in ordinary cases, and such interrogatories will not be allowed on the common affidavit only, but some special circumstances must be laid before the judge, by affidavit or otherwise, to induce him to order them."

Page 500.

It has been decided by the Appellate Court in Chancery in *Baumann v. James* (L. R., 3 Ch. 508 ; 16 W. R. 877), that oral evidence is admissible to

connect written instruments, so as to comply with the first section of the Statute of Frauds.

It was decided in *Newell v. Radford* (L. R., 3 C. P. 52; 37 L. J., C. P. 1), that surrounding circumstances may be taken into consideration to explain who is the seller and who is the buyer in a note or memorandum under the 17th section of the Statute of Frauds.

Page 510.—WARRANTS OF ATTORNEY.

“The Debtors Act, 1869” (*m*), enacts, by sect. 24, that after its commencement (1st July, 1870), “a warrant of attorney to confess judgment in any personal action or cognovit actionem given by any person shall not be of any force, unless there is present some attorney of one of the superior courts on behalf of such person expressly named by him, and attending at his request to inform him of the nature and effect of such warrant or cognovit before the same is executed, which attorney shall subscribe his name as a witness to the due execution thereof, and thereby declare himself to be attorney for the person executing the same, and state that he subscribes as such attorney.”

Page 531.—EXTRINSIC EVIDENCE.

Extrinsic evidence is admissible to prove who is the buyer and who the seller in a memorandum or note under the 17th section of the Statute of Frauds. *Newell v. Radford*, L. R., 3 C. P. 52; 37 L. J., C. P. 1.

(*m*) 32 & 33 Vict. c. 62.

Page 532.—DECLARATIONS OF A TESTATOR.

Verbal statements made by a testator in and about the making of his will, when accompanying acts done by him in relation to that subject, are admissible in evidence. Per Wilde, J. O., in *Johnson v. Lydford*, L. R., 1 P. & M. 546.

Page 542.

Boydell v. Drummond is a case upon that part of sect. 4 of the Statute of Frauds, which relates to contracts not to be performed within a year. *Baumann v. James* (L. R., 3 Ch. 508) is a case upon sect. 1, and in this case it was decided by the Lords Justices that oral evidence is admissible to connect written instruments, so as to comply with the statute. *Boydell v. Drummond* does not appear to have been cited in *Baumann v. James*.

APPENDIX OF STATUTES.

THE DOCUMENTARY EVIDENCE ACT, 1868.

31 & 32 VICT. C. 37, ss. 2, 3 & 6.

2. *Primâ facie* evidence of any proclamation, order or regulation issued before or after the passing of this act by Her Majesty or by the Privy Council, also of any proclamation, order or regulation issued before or after the passing of this act by or under the authority of any such department of the Government or officer as is mentioned in the first column of the schedule hereto, may be given in all courts of justice and in all legal proceedings whatsoever in all or any of the modes hereinafter mentioned, that is to say :

- (1.) By the production of a copy of the Gazette purporting to contain such proclamation, order or regulation.
- (2.) By the production of a copy of such proclamation, order or regulation purporting to be printed by the Government printer, or, where the question arises in a court in any British colony or possession, of a copy purporting to be printed under the authority of the legislature of such British colony or possession.
- (3.) By the production, in the case of any proclamation, order or regulation issued by Her Majesty or the Privy Council, of a copy or extract purporting to be certified to be true by the clerk of the Privy Council, or by any one of the lords or others of the Privy Council; and, in the case of any proclamation, order or regulation issued by or under the authority of any of the said departments or officers, by the production of a copy or extract purporting to be certified to be true by the person or persons

specified in the second column of the said schedule in connection with such department or officer.

Any copy or extract made in pursuance of this act may be in print or in writing, or partly in print and partly in writing. No proof shall be required of the handwriting or official position of any person certifying, in pursuance of this act, to the truth of any copy of or extract from any proclamation, order or regulation.

3. Subject to any law that may be from time to time made by the legislature of any British colony or possession this act shall be in force in every such colony and possession.

6. The provisions of this act shall be deemed to be in addition to, and not in derogation of, any powers of proving documents given by any existing statute or existing at common law.

SCHEDULE.

<p>COLUMN 1. <i>Name of Department or Officer.</i></p>	<p>COLUMN 2. <i>Names of Certifying Officers.</i></p>
<p>The Commissioners of the Treasury.</p>	<p>Any Commissioner, Secretary or Assistant Secretary of the Treasury.</p>
<p>The Commissioners for executing the office of Lord High Admiral.</p>	<p>Any of the Commissioners for executing the office of Lord High Admiral, or either of the Secretaries to the said Commissioners.</p>
<p>Secretaries of State.</p>	<p>Any Secretary or Under Secretary of State.</p>
<p>Committee of Privy Council for Trade.</p>	<p>Any Member of the Committee of Privy Council for Trade, or any Secretary or Assistant Secretary of the said Committee.</p>
<p>The Poor Law Board.</p>	<p>Any Commissioner of the Poor Law Board, or any Secretary or Assistant Secretary of the said Board.</p>



**AN ACT FOR THE FURTHER AMENDMENT
OF THE LAW OF EVIDENCE.**

32 & 33 VICT. c. 68.

WHEREAS the discovery of truth in courts of justice has been signally promoted by the removal of restrictions on the admissibility of witnesses, and it is expedient to amend the law of evidence with the object of still further promoting such discovery : be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The fourth section of chapter ninety-nine of the statutes passed in the fourteenth and fifteenth years of her present Majesty, and so much of the second section of "The Evidence Amendment Act, 1853," as is contained in the words "or in any proceeding instituted in consequence of adultery," are hereby repealed.

2. The parties to any action for breach of promise of marriage shall be competent to give evidence in such action : Provided always, that no plaintiff in any action for breach of promise of marriage shall recover a verdict unless his or her testimony shall be corroborated by some other material evidence in support of such promise.

3. The parties to any proceeding instituted in consequence of adultery, and the husbands and wives of such parties, shall be competent to give evidence in such proceeding : Provided that no witness in any proceeding, whether a party to the suit or not, shall be liable to be asked or bound to answer any question tending to show that he or she has been guilty of adultery, unless such witness shall have already given evidence in the same proceeding in disproof of his or her alleged adultery.

4. If any person called to give evidence in any court of justice, whether in a civil or criminal proceeding, shall object to take an oath, or shall be objected to, as incompetent to take an oath, such person shall, if the presiding

judge is satisfied that the taking of an oath would have no binding effect on his conscience, make the following promise and declaration :

“ I solemnly promise and declare that the evidence given by me to the court shall be the truth, the whole truth, and nothing but the truth.”

And any person who having made such promise and declaration shall wilfully and corruptly give false evidence, shall be liable to be indicted, tried and convicted for perjury as if he had taken an oath.

5. This act may be cited for all purposes as “ The Evidence Further Amendment Act, 1869.”

6. This act shall not extend to Scotland.



THE BANKRUPTCY ACT, 1869.

32 & 33 VICT. C. 71, ss. 10, 18, 47, 49, 81, 106—109, 127.

10. A copy of an order of the court adjudging the debtor to be bankrupt shall be published in the London Gazette, and be advertised locally in such manner (if any) as may be prescribed, and the date of such order shall be the date of the adjudication for the purposes of this act, and the production of a copy of the Gazette containing such order as aforesaid shall be conclusive evidence in all legal proceedings of the debtor having been duly adjudged a bankrupt and of the date of the adjudication.

18. The appointment of a trustee shall be reported to the court, and the court, upon being satisfied that the requisite security has been entered into by him, shall give a certificate declaring him to be trustee of the bankruptcy named in the certificate, and such certificate shall be conclusive evidence of the appointment of the trustee, and such appointment shall date from the date of the certificate. When the registrar holds the office of trustee, or when the trustee is changed, a like certificate of the court may be made declaring the person therein named to be trustee, and such certificate shall be conclusive evidence of the person therein named being trustee.

47. When the whole property of the bankrupt has been realized for the benefit of his creditors, or so much thereof as can, in the joint opinion of the trustee and committee of inspection, be realized without needlessly protracting the bankruptcy, or a composition or arrangement has been completed, the trustee shall make a report accordingly to the court, and the court, if satisfied that the whole of the property of the bankrupt has been realized for the benefit of his creditors, or so much thereof as can be realized without needlessly protracting the bankruptcy, or that a composition or arrangement has been completed, shall make an order that the bankruptcy has closed, and the bankruptcy shall be deemed to have closed at and after the date of such order. A copy of the order closing the bankruptcy may be published in the London Gazette, and the production of a copy of such Gazette containing a copy of the order shall be conclusive evidence of the order having been made, and of the date and contents thereof.

49. An order of discharge shall be sufficient evidence of the bankruptcy, and of the validity of the proceedings thereon, and in any proceedings that may be instituted against a bankrupt who has obtained an order of discharge in respect of any debt from which he is released by such order, the bankrupt may plead that the cause of action occurred before his discharge, and may give this act and the special matter in evidence.

81. Whenever any adjudication in bankruptcy is annulled all sales and dispositions of property and payments duly made, and all acts theretofore done, by the trustee or any person acting under his authority, or by the court, shall be valid; but the property of the debtor who was adjudged a bankrupt shall in such case vest in such person as the court may appoint, or in default of any such appointment revert to the bankrupt for all his estate or interest therein upon such terms and subject to such conditions, if any, as the court may declare by order. A copy of the order of the court annulling the adjudication of a debtor as a bankrupt shall be forthwith published in the London Gazette and advertised locally in the prescribed manner, and the production of a copy of the Gazette containing such order shall be conclusive evidence of the fact of the

adjudication having been annulled, and of the terms of the order annulling the same.

106. The registrar, or any other person presiding at a meeting of creditors under this act, shall cause minutes to be kept and duly entered in a book of all resolutions and proceedings of such meeting, and any such minute as aforesaid, if purporting to be signed by the chairman of the meeting at which such resolutions were passed or proceedings had, shall be received as evidence in all legal proceedings, and until the contrary is proved, every general meeting of the creditors in respect of the proceedings of which minutes have been so made shall be deemed to have been duly held and convened, and all resolutions passed thereat or proceedings had to have been duly passed and had.

107. Any petition or copy of a petition in bankruptcy, any order or copy of an order made by any court having jurisdiction in bankruptcy, any certificate or copy of a certificate made by any court having jurisdiction in bankruptcy, any deed or copy of a deed of arrangement in bankruptcy, and any other instrument or copy of an instrument, affidavit or document made or used in the course of any bankruptcy proceedings or other proceedings had under this act, may, if any such instrument as aforesaid or copy of an instrument appears to be sealed with the seal of any court having jurisdiction, or purports to be signed by any judge having jurisdiction in bankruptcy under this act, be receivable in evidence in all legal proceedings whatever.

108. In case of the death of the bankrupt or his wife, or of a witness whose evidence has been received by any court in any proceeding under this act, the deposition of the person so deceased, purporting to be sealed with the seal of the court, or a copy thereof purporting to be so sealed, shall be admitted as evidence of the matters therein deposited to.

109. Every court having jurisdiction in bankruptcy under this act shall have a seal describing such court in such manner as may be directed by order of the Lord Chancellor, and judicial notice shall be taken of such seal

and of the signature of the judge or registrar of any such court, in all legal proceedings.

127. The registration by the registrar of a special resolution of the creditors on the occasion of a liquidation by arrangement under part six of this act, or of an extraordinary resolution of the creditors on the occasion of a composition under the seventh part of this act, shall, in the absence of fraud, be conclusive evidence that such resolutions respectively were duly passed and all the requisitions of this act in respect of such resolutions complied with.

THE HABITUAL CRIMINALS ACT, 1869.

32 & 33 VICT. c. 99, PART OF s. 8, s. 9, AND PART OF s. 11.

8. Where any person is subject, in pursuance of this act, to the supervision of the police, he shall be guilty of an offence punishable (on summary conviction before two or more justices or a stipendiary magistrate) with imprisonment, with or without hard labour, for a term not exceeding one year, under the following circumstances or any of them:—

First. If on his being charged by a constable or police officer with getting his livelihood by dishonest means, he fails to make it appear to the justices or magistrate before whom he is brought that he is not getting his livelihood by dishonest means:

Secondly. If he is found by any constable or police officer in any place, whether public or private, under such circumstances as to satisfy the justices or magistrate before whom he is brought that he was about to commit or to aid in the commission of any crime punishable on summary conviction or indictment, or was waiting for an opportunity to commit or aid in the commission of any such crime:

Thirdly. If he is found by any person in or upon any dwelling-house, or any building, yard or premises being parcel of or attached to such dwelling-house, or in or upon any shop, warehouse, count-

ing-house or other place of business, or in any garden, orchard, pleasure-ground or nursery-ground, without being able to account to the satisfaction of the justices or magistrate before whom he is brought for his being found on such premises.

9. And whereas by the fourth section of the act, passed in the fifth year of the reign of King George the Fourth, chapter eighty-three, intituled "An Act for the Punishment of Idle and Disorderly Persons, and Rogues and Vagabonds in that part of Great Britain called England," it is, amongst other things, provided that every suspected person or reputed thief, frequenting any river, canal or navigable stream, dock, or basin, or any quay, wharf or warehouse near or adjoining thereto, or any street, highway or avenue leading thereto, or any place of public resort or any avenue leading thereto, or any street, highway or place adjacent, with intent to commit felony, shall be deemed a rogue and vagabond, and may be apprehended and committed to prison with hard labour for any time not exceeding three calendar months: And whereas doubts are entertained as to the nature of the evidence required to prove for the purposes of the said section the intent to commit a felony: Be it enacted, that in proving such intent it shall not be necessary to show that the person suspected was guilty of any particular act or acts tending to show his purpose or intent, and he may be convicted if from the circumstances of the case, and from his known character as proved to the justices or magistrate, it appears to such justices or magistrate that his intent was to commit a felony.

11. Where any person who either before or after the passing of this act has been previously convicted of any offence specified in the first schedule (a) hereto, and involving fraud or dishonesty, is found in the possession of stolen goods, evidence of such previous conviction shall be admissible as evidence of his knowledge that such goods

(a) *I.e.*, any felony not punishable with death also, or the offence of uttering false or counterfeit coin, or of possessing counterfeit gold or silver coin, or the offence of obtaining goods or money by false pretences, or the offence of conspiracy to defraud, or misdemeanor under 24 & 25 Vict. c. 96, s. 58.

have been stolen, and in any proceedings that may be taken against him as receiver of stolen goods, or otherwise, in relation to his having been found in possession of such goods, proof may be given of his previous conviction before evidence is given of his having been found in possession of such stolen goods, provided that not less than seven days' notice shall be given to such person that proof is intended to be given of his previous conviction, and that he will be deemed to have known such goods to have been stolen until he has proved the contrary. Moreover, where proceedings are taken against any person for having in his possession stolen goods, evidence may be given that there were found in the possession of such person other goods stolen within the preceding period of twelve months, and such evidence may be taken into consideration for the purpose of proving that such person knew the goods to be stolen which form the subject of the proceedings taken against him.



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